

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE:	:	
	:	
2020 MCGOWEN, LLC	:	Case No. 17-32788
	:	Chapter 11
DEBTOR	:	
	:	
STALLION FUNDING, L.L.C. et al.,	:	
MOVANTS	:	
	:	
VS.	:	
	:	
2020 MCGOWEN, LLC	:	
RESPONDENT	:	

**DEBTOR’S RESPONSE TO MOTION FOR RELIEF FROM THE STAY**  
**REGARDING NON-EXEMPT PROPERTY (LOTS 1-12, BLOCK 1,**  
**VIEWPOINT SQUARE REPLAT NO. 2) (DOC. NO. 36)**

TO THE HONORABLE JUDGE OF SAID COURT:

2020 MCGOWEN, LLC, Debtor, files this Response to the Motion for Relief From the Stay Regarding Non-Exempt Property (Lots 1-12, Block 1, Viewpoint Square Replat No. 2) filed by Stallion Funding, L.L.C., Austerra Stable Growth Fund, L.P., and Kenneth Hollins (Doc. No. 36) (“Stallion’s Motion”):

1. Debtor admits the allegations contained in Paragraph 1 Stallion’s Motion.
2. Debtor admits the allegations contained in Paragraph 2 Stallion’s Motion.
3. Debtor admits the allegations contained in Paragraph 3 Stallion’s Motion.
4. Debtor admits the allegations contained in Paragraph 4 Stallion’s Motion.
5. Debtor denies the allegations contained in Paragraph 5 Stallion’s Motion.

6. Debtor admits the allegations contained in Paragraph 6 Stallion's Motion.

7. Debtor pleads that Paragraph 7 of Stallion's Motion contains statements of Movants to which it is not required to respond. However, if any of the statements in such paragraph are deemed to be averments in support of relief in favor of Movants, Debtor denies such averments.

8. Debtor admits the allegations contained in Paragraph 8 Stallion's Motion.

9. Debtor admits the allegations contained in Paragraph 9 Stallion's Motion.

10. Debtor admits the allegations contained in Paragraph 10 Stallion's Motion.

11. Debtor denies the allegations contained in Paragraph 11 Stallion's Motion.

12. Debtor denies the allegations contained in Paragraph 12 Stallion's Motion.

13. Debtor pleads that Paragraph 13 of Stallion's Motion contains statements of Movants to which it is not required to respond. However, if any of the statements in such paragraph are deemed to be averments in support of relief in favor of Movants, Debtor denies such averments.

14. Debtor denies the allegations contained in Paragraph 14 Stallion's Motion.

15. Debtor pleads that Paragraph 15 of the Motion contains legal argument to which it is not required to respond. However, in the event that any of the statements in such paragraph are deemed to be averments in support of relief in favor of Movants, Debtor denies such averments.

16. Debtor denies the allegations contained in Paragraph 16 Stallion's Motion.

17. Debtor denies the allegations contained in Paragraph 17 Stallion's Motion.

18. Debtor denies the allegations contained in Paragraph 18 Stallion's Motion.

19. Debtor denies the allegations contained in Paragraph 19 Stallion's Motion.

20. Debtor denies the allegations contained in Paragraph 20 Stallion's Motion.

21. Debtor denies the allegations contained in Paragraph 21 Stallion's Motion.

22. Debtor denies the allegations contained in Paragraph 22 Stallion's Motion.

23. Debtor affirmatively shows that it holds claims against the Movants for more than One Million Dollars for numerous causes of action including usury, misappropriation of funds, breach of contract and fraud, all of which are more fully set out in the state court proceeding styled 2020 McGowen, LLC vs. Stallion Funding, LLC et al. in the 234<sup>th</sup> District Court, Harris County, Texas. A true copy of Plaintiff's Verified Original Petition is attached to this Response as Exhibit "A" and incorporated herein for all purposes.

24. Debtor has equity in excess of the alleged debt of the Movants and should it prevail on one or more of the counts in the state court proceedings, any debt of debtor held by Movants will be offset.

Debtor prays the Court deny the Motion for Relief From the Stay Regarding Non-Exempt Property (Lots 1-12, Block 1, Viewpoint Square Replat No. 2) filed by Stallion Funding, L.L.C., Austerra Stable Growth Fund, L.P., and Kenneth Hollins (Doc. No. 36) and for all other relief to which Debtor may show itself justly entitled.

Respectfully Submitted,

/s/ Larry A. Vick  
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ATTORNEY FOR DEBTOR

CERTIFICATE OF SERVICE

I hereby certify that on the 1<sup>st</sup> day of December, 2017, I forwarded a true and correct copy of the above Response to Mr. William S. Chesney, III, Frank, Elmore, Lievens, Chesney & Turet, L.L.P., Attorneys for Movants, at 9225 Katy Freeway, Suite 250, Houston, Texas 77024, to 2020 McGowen, LLC, Debtor, at 823 Yale Street, Houston, TX 77007, to the U. S. Trustee, and upon all parties on the Court's ecf system by U.S. Mail and/or via the ecf.

/s/ Larry A. Vick  
LARRY A. VICK

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